

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/772,445
Applicant : Hynda K. KLEINMAN et al.
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TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL
DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION

Director of the United States Patent
and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The owners of record, United States of America, as represented by The Secretary of Health, Office of Technology Transfer, and Alpha 1 Biomedicals, Inc. (now RegeneRx Biopharmaceuticals, Inc.), of 100 percent interest in the instant application hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Serial No. 11/284,430, filed on November 22, 2005, of any patent on the pending second application. The owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and

any patent granted on the second application Serial No. 11/284,430 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned is an attorney of record.

The terminal disclaimer fee under 37 CFR 1.20(d) is included.

Respectfully submitted,

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